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fact, the keeping the animal is not the proximate cause of the injury, and it is not for that that the owner is held liable.

With more show of success the author takes occasion to oppose Mr. Salmond's attempt to include the owner's liability for the wrongful entry of his cattle upon land under the general principles governing the liability for damage caused by domestic animals. He points out that the owner is not liable for injurious acts of domestic animals flowing from their natural propensities, although such acts may have a tendency to cause damage. Thus the owner of a cat is not liable for its attack upon a dog, in spite of the well-known hostility between the two animals. (*Clinton v. Lyons & Co.*, [1912] 3 K. B. 198). It is only for the injurious acts of domestic animals flowing from an unnatural propensity of which he has *scienter* that the owner is liable. Hence the liability for trespass by cattle must rest upon the peculiar principles of the law of trespass, rather than any general principle of liability for the acts of domestic animals.

The book also contains an interesting, though not very clarifying, discussion of the confusion in the cases with regard to the evidence necessary to prove *scienter*.

The book suffers most from unnecessary repetition and verbosity, a defect which is only partly remedied by the use of different forms of type to set off the general principles of the law from the detailed discussion of the authorities.

CHESTER A. MCLAIN.

THE PREVENTION AND CONTROL OF MONOPOLIES. By W. Jethro Brown. New York: E. P. Dutton and Company. 1915. pp. xix, 198.

Published just as our Federal Trade Commission is beginning its task of supervising the business practices of industry in the United States, this book has unusual interest for Americans. It is an examination, by a jurist who combines theoretical insight and originality with practical experience, of the workings of Australian legislative and administrative regulation of industry.

Competition Dr. Brown conceives to be both a desirable and an enduring element in modern industry. The problem is by regulation and administration to moralize competition. The Preservation of Australian Industries Act, designed to accomplish this end, is based in part on our Sherman Law. But it shows a more practical realization of the concrete ends aimed at. It prohibits any contract or combination in restraint of trade, or injurious to Australian industry, by means of unfair competition; and it is specifically made a defense that there was no detriment to the public, or that the restraint was reasonable. Unfair competition is not left undefined, as in our Clayton Act; competition is unfair if the participant is a commercial trust, if the competition results in inadequate wages, disorganizes industry, or creates unemployment, or is conducted by means of rebates. Refusal to supply services or sell goods to a person on the ground that he deals with a third person, or refuses to join a combine, is made illegal.

Administration of the law, the author believes, is seriously hampered by the conflict of state and federal control, and a more accurate delimitation of the legal boundaries is called for. The prohibitions of the act, also, he believes, could with advantage be made more specific. Above all he emphasizes the need of taking the enforcement of the act out of the hands of the Attorney General, and placing it in the hands of an administrative commission beyond the suspicion of partisanship. The creation of the Inter-State Commission in 1912 has only in part filled this need, for it has been so heavily burdened with duties unconnected with the control of monopolies and the regulation of

competition, that it has not been able to devote to the enforcement of the act the attention which it deserves.

Where competition cannot be procured, or where it is not socially desirable, Dr. Brown's program is twofold: nationalization and regulation. In certain industries he believes nationalization to be *prima facie* desirable: as in transportation, in industries immediately affecting health, such as the milk supply, in industries threatening the depletion of natural resources, and in other industries which for various reasons cannot be successfully regulated. For other "natural monopolies" price regulation is advocated. The discussion of the difficulties of such a program is critical and impartial. Drawing from both American and Australian experience, and using as illustrative material the findings of the Royal Commission on the Australian Sugar Industry in 1911, of which he was chairman, the author concludes that price regulation is practically feasible, and that proper administrative machinery can obviate most of its difficulties and disadvantages. He suggests that the Inter-State Commission be given power to declare the scale of prices of any trust or combine unreasonable, to compel a revision of prices, and if necessary itself to fix maximum and minimum prices.

The discussion of American experience is based entirely on secondary authority, much of it of not very recent date. The American reader will regret that the original sources of information on this subject were not available to the author. There is, for instance, no reference to the important congressional investigations of the steel trust, the "money trust," and the shipping combinations. American experience with the regulation of railroad rates is summed up in a brief quotation from Van Hise, "Concentration and Control," which deals with the subject only incidentally, while the standard book in this field, Ripley's "Railroads: Rates and Regulations," is not referred to. These are slight blemishes, however, in a book which is otherwise thorough, scholarly, and readable.

G. C. HENDERSON.

PROBLEMS IN THE LAW OF CONTRACTS. By Henry Winthrop Ballantine. Rochester: The Lawyers' Co-operative Publishing Company. 1915. pp. 1, 363.

THE MONROE DOCTRINE. By Albert Bushnell Hart. Boston: Little, Brown, and Company. 1916. pp. xiv, 445.

AN INTRODUCTION TO ROMAN-DUTCH LAW. By R. W. Lee. Oxford, England: Clarendon Press. 1915. pp. xxxv, 360.

THE LAW OF UNINCORPORATED ASSOCIATIONS. By Sydney R. Wrightington. Boston: Little, Brown, and Company. 1916. pp. xxvi, 486.